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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,385	07/05/2001	David Paul Jones	ESM00-003	3631
7590	08/23/2004		EXAMINER	
Samuel H. Weiner, Esq. OSTROLENK, FABER, GERB & SOFFEN, LLP 1180 AVENUE OF THE AMERICANS NEW YORK, NY 10036-8403				RUDE, TIMOTHY L
				ART UNIT PAPER NUMBER
				2883

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/898,385

Applicant(s)

JONES ET AL.

Examiner

Timothy L Rude

Art Unit

2883

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) The period for reply expires 4 months from the mailing date of the final rejection.
b) The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. The proposed amendment(s) will not be entered because:
 - (a) they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) they raise the issue of new matter (see Note below);
 - (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____.

3. Applicant's reply has overcome the following rejection(s): _____.
4. Newly proposed or amended claim(s) ____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. For purposes of Appeal, the proposed amendment(s) a) will not be entered or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1,3,24 and 26-32.

Claim(s) withdrawn from consideration: _____.

8. The drawing correction filed on ____ is a) approved or b) disapproved by the Examiner.

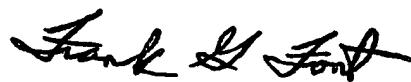
9. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.

10. Other: See Continuation Sheet

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Continuation of 5. does NOT place the application in condition for allowance because: Applicant argues alternate definitions for terms. Examiner must give said terms the most broad reasonable interpretation given ordinary skill in the art of liquid crystals. Specifically, examiner considers "black matrix" to be virtually synonymous to "light blocking layer". For convenience, Applicant may reference Fujikawa USPAT 6,002,463 where those terms are equivocated. Also, Applicant may reference text book HANDBOOK OF DISPLAY TECHNOLOGY by Joseph A. Castellano, C 1962 by Academic Press, Inc., ISBN 0-12-163420-5, page 299, last paragraph through page 300, first paragraph. Examiner maintains the light blocking layer of the applied prior art is considered by those of ordinary skill in the art of liquid crystals to read on and function as Applicant's black matrix as presently broadly claimed and broadly interpreted. Examiner maintains final rejection of present claim language is proper.

Continuation of 10. Other: Copy of pages 299 and 300 of HANDBOOK OF DISPLAY TECHNOLOGY is attached..



Frank G. Font
Supervisory Patent Examiner
Technology Center 2800